matter on a statement made by an honourable member on the floor of the House, without scrutiny and investigation. The matter will be investigated and the issues of the particular newspaper translated; and, if this question is again raised in the House, a ruling will be given and the necessary punishment awarded if it is considered that the newspaper has infringed privilege of this House. As this Council is not a court of justice as the Parliament is, such punishment will consist, as it has consisted in the Legislative Assembly at Simla and elsewhere in the withdrawal of all the editorial and other privileges attached to newspapers. That is one of the forms of punishment exercisable. Let us hope that that newspaper will realise that the reflections on the conduct of the Chair, or on the Dewan as President, are beyond the scope of journalistic liberty and are punishable. This matter will, as I have stated, be scrutinised and brought up again before this House if need be.

VOTING OF DEMANDS FOR GRANTS.

DEMAND VIII.—Administration of justice (*continued.*)

Mr. Kochikal P. Balakrishnan Tampi (*Karunagapally Kartikapally and Ambalapuzha* cum *Shertallai*): Sir, as regards the reflections that were made on the political party to which I have the honour to belong, I leave it there. But I want to draw the attention of the Government to the injustice involved in giving Magisterial powers to private gentlemen. Sir, I refer to the Magisterial authority given to the Manager of the Chief of the Poonjar Edavagai. He is expected to adjudicate on behalf of the Chief with his tenants. It will be a reflection on the judicial administration of the State if the Kariasthan of the Chief of Poonjar is to decide cases where the Chief and his tenants are the parties.

Mr. K. R. Elankath: Sir, I rise to oppose the demand. In doing so, I would like to bring to the notice of this House the inordinate delay in disposing of cases not only in the lower courts but in the High Court as well. In the lower courts where the original cases are taken, we find cases pending for many years not being disposed of. Now there are besides the permanent Munsiffs, so many additional and temporary Munsiffs and they are not few. Now, Sir, one point may be urged in favour of the delay in the disposal of cases. This may be attributed to the voluminous increase of literature with regard to law which is being studied by lawyers who handle cases and so, to arrive at a correct and fair decision, considerable time may be needed. If that is the reason for the delay of a particular case, especially appellate cases, then we should find an increase in the efficiency or quality of the decisions of the courts. There also what we find is that the appeals which have been upheld are becoming less and less in percentage. The number of cases which were confirmed comes to 60·62 per cent.

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[Mr. K. R. Elankath.]

And in similar proportion is the case where the decisions of the lower courts were set aside. So what we find is even in such cases the presiding officers cannot justify their position. What is the main reason which must contribute to this? To me it seems that there are two reasons. One is that as long as there are temporary and additional Benches there is a tendency to these officers to show arrears of cases so that these Benches may not be closed down and they are asked to go back. They want to keep up the arrears to continue their posts for the next year also. Therefore it will be more discreet to have these Benches confirmed. The other reason which suggests to me is that even in the case of recruitment to the Bench, the principle adopted is not satisfactory. Of course efficiency is not the monopoly of a particular community. Every community is or is not as efficient as any other community. But there must be a certain set of standard to make a lawyer eligible for becoming a presiding officer. Generally the criterion is the period of service at the Bar and it has been fixed at 5 or 10 years. And recently it has been decided by Government to consider the monthly income of a particular lawyer as the basis for his appointment as a Judge. In the latter case it is very clear that by mere adjustment of accounts one can show that his income is beyond what is required. The only and proper standard that ought to be the guiding principle of Government is the number of cases that a particular lawyer has in his file since he began to practice. Because it is in the interest of the litigant public of Travancore that when a Judge is appointed, the selection must fall on the best known lawyer. It should be the policy of the Government hereafter to see that only persons having a large file of cases are appointed to the Benches. Sir, there is another reason also why this should be. A great many presiding officers who have not dealt with a large number of cases as Vakils are peevish and impatient in the matter of handling cases and they are not able to grasp things which are presented before them.

President : The honourable member has three minutes more.

Mr. K. R. Elankath: Sir, these are the three reasons which appear to me to be causes for the laws delay in our courts. With these words, I resume my seat.

Mr. Puthupally S. Krishna Pillai (*Legal Remembrancer to Government*): Sir, various points were urged for the attention of Government by several members and I shall, as far as possible, deal with them in the order in which they were presented.

President : The honourable member has 12 minutes,

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Mr. Puthupally S. Krishna Pillai: Some honourable members made comments on the unsatisfactory working of the Conciliation Boards in the State and suggested that they must be given additional powers on the lines of the Madras Debt Relief Act so that the Conciliation Boards might work more efficiently. On this question, Sir, I have to state for the information of the House that the two legislative enactments have been drawn up on two distinct and fundamentally different principles. We have in drawing up the Agricultural Debt Relief Regulation accepted the principle of voluntary settlement of debts by mutual agreement between the debtor and the creditor.

In British India a more stringent and drastic policy of compulsorily scaling down of debts has been adopted; and it is that policy that some honourable members are now advocating here. In regard to our Agricultural Debt Relief Regulation, it is not yet time for the Government to say whether it works satisfactorily or not. Statistics so far available show that, if the Regulation is allowed to work for some time more and is given a fair chance side by side with long-term credit facilities which are not now available to the debtors of the country, the measure will work to the entire satisfaction of both the debtor and the creditor class. During the current year, about 2,722 applications were filed beore the 9 Conciliation Boards. Government feel that, in regard to voluntary settlement between the debtor and the creditor which forms the basis of our Debt Relief Regulation, the general tendency on the part of the creditors is to accept any resonable amount in full settlement of their claims provided it is paid down in cash, so that the main reason for the present improper or unsatisfactory working of the Regulation is the lack of long-term credit facilities for the debtor to pay the scaled down debts in cash which alone will satisfy the debtor. Even without compulsorily scaling down not only the whole of the interest but also a portion of the principal, our creditors are quite willing to accept a portion of their dues in settlement of the full claim provided they get cash. But, there is no banking institution in the State which is in a position to advance long-term loans to our debtors; and it is to remove this defect that the Government undertook the responsibility of sponsoring the Credit Bank Bill in the discussion of the provisions of which the honourable members of the Legislature took very great interest. That institution has now been established and will commence work early next month. When that institution begins to work and credit facilities are made available to our agricultural debtors, it is the view of the Government, as I hope it is the view of the honourable members, that the Conciliation Boards will be in

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[Mr. Puthupally S. Krishna Pillai.]

a position to do more satisfactory work. Therefore, the question of bringing forward further legislation on the matter has not yet been decided upon by the Government. Proposals have been made in the other House to the effect that the Regulation must be amended. That matter is under consideration and Government are not yet in a position to say what they are going to do. But, on behalf of the Government, I would only request the House to consider this aspect of the matter, namely, that, before we think of any drastic legislation calculated to disturb the existing credit in the country and the mutual relationship of harmony which might possibly subsist between the creditor and the debtor, we must give a fair trial to the present Regulation side by side with the availability of long-term credit; and then, if it is found unworkable, or not sufficient to meet the situation, further steps might be taken.

Mr. G. Narayana Aiyar (*Parur, Kunnatnad and Muvattupuzha* cum *Devicolam*): May I ask whether it would not be advisable to hand over conciliation work also to such of the Munsiffs as have not got sufficient work?

Mr. Puthupalli S. Krishna Pillai: That question was considered fully even when the Bill was before the House, and it was as a result of the insistent demand made by the honourable members of both the Houses, and in view of the recommendation made by the Debt Relief Committee, that the present course was adopted; and experience shows that it is not feasible or proper that the Munsiffs should be invested with the work of conciliating debts also. Honourable members have complained on the floor of the House about the delay in the disposal of suits and about old cases becoming older in spite of the number of suits going down considerably. If that is the state of work turned out by the subordinate judiciary, I ask, will it be consistent with the interests of the litigant public that this additional work of conciliating debts is also entrusted to the Munsiffs?

Mr. G. Narayana Aiyar: May I ask whether the delay in the disposal of suits and arrears, is not due to the heart-burning on the part of the Munsiffs on account of the insecurity of their service and their claims being overlooked?

Mr. Puthupalli S. Krishna Pillai: On the one hand there is the agitation here that the pay of the officers should be reduced and various other drastic steps should be taken to make the position of Government servants less comfortable than it is at present. And here is an honourable member who comes forward with the suggestion that the delay in the disposal of cases is due to the heart-burning caused to the subordinate judiciary on account

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of the Standardisation G. O., the present G. O. relating to recruitment to the Judiciary, and other Government Orders on the matter. Sir, that is a far-fetched idea; Government do not agree with the honourable member. Certainly, it is not any heartburn in the judicial officers that is responsible for the delay in the disposal of cases. The fault lies with the litigants themselves. I may refer the honourable members to what actually happens in the conduct of cases. After pleadings are filed and issues are framed and the case is posted for evidence, honourable members are aware how much time each party takes for applying for processes for the witnesses to be examined, how the witnesses even when present in courts are not actually put into the witness-box and how the filing of copies of documents by either party takes an inordinately long time. There are several cases in which the parties do no help the lawyers by producing the documents in time. There are instances in which, even at the time the case is being argued, the parties rush in with fresh documents obtained that day or the previous day. Sir, these are the main causes of slackness on the part of the subordinate judiciary in the disposal of cases. There is also the other difficulty for which I do not blame the clients entirely for this default. The main reason for this delay, as honourable members are aware, is the economic depression. The clients do not get sufficient money to pay the vakil or to remit money into the court for the issue of processes, or for taking copies of documents.

In regard to the recruitment of Judges and Munsiffs, the matter is covered by a G. O., which, if read carefully, will convince the House that Government have taken the right step in that direction. The honourable member Mr. Elenkath rightly pointed out that merely because a lawyer has put in the minimum number of years' practice he should not be declared eligible for recruitment to the Judiciary. The number of cases he has handled, his income, all these factors have to be taken into account. The G. O. covers all these points; and it is adhered to in making recruitments to the Judiciary. It was suggested that the rule in regard to the income-tax paid by a lawyer works great hardship and therefore should not be adhered to. Sir, that is probably the only possible test which can be applied to ascertain the work of a lawyer at the time of recruitment.

Mr. T. Mahomed Ismail: May I know whether all recruitments subsequent to the G. O. have been made according to the provisions of the G. O.?

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Mr. Puthupalli S. Krishna Pillai: Yes, certainly; only, it was found that the rule relating to the income-tax paid by a Vakil worked real hardship especially in these days of economic depression; therefore the rules were relaxed in that respect alone.

Mr. K. R. Elenkath: May I ask whether there would be any hardship in that respect in the case of Vakils who actually get the income stipulated in the G. O.?

Mr. Puthupalli S Krishna Pillai: No Sir. It is well known that, since the depression set in, no Vakil has been getting anything like even half of what he was getting in the pre-depression days although there is obsolutely no fall in the number of cases handled by him.

Mr. T. Mahomed Ismail: May I ask whether the relaxation of that rule as to income-tax has been published in the form of a G. O. or a Circular?

Mr. Puthupalli S. Krishna Pillai: No; it is a matter in which the recruiting authorities, namely the High Court and the Government, are mainly interested; and in each case they look into the necessary records and satisfy themselves as to whether the rule as to income-tax should be strictly enforced or not.

Mr. V. S. Arumugam Pillai: (*Thovala* cum *Agasteeswaram*): May I ask how in the case of Vakils practising in the mofussil the Government ascertain the work of the Various vakils.

Mr. Puthupalli S. Krishna Pillai: Just as it is done in the case of Vakils practising in Trivandrum.

Mr. T. Mahomed Ismail: May I know whether the rules will be relaxed in particular cases alone?

Mr. Puthupalli S. Krishna Pillai: Certainly not.

The time allotted for the Demand having expired, the Demand was put to vote and carried, and the grant made.

DEMAND IX—EDUCATION DEPARTMENT EXCLUDING THE TRAVANCORE UNIVERSITY.

Mr. A. Gopala Menon: Sir, I rise to move for a grant not exceeding Rs. 44,54,574, under Demand IX-Education Department.

President: I have received notices of two cut motions both from Mr. Kallur Narayana Pillai, one to omit the allotment of Rs. 44,54,574 to discuss the necessity of changing the examination time, and another, also to omit the entire allotment, to discuss the necessity for the reduction of school fees. These motions take precedence over the rest.

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